

## EASTERN DISTRICT OF TEXAS



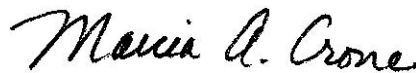
After careful consideration, the court concludes petitioner's objections are without merit. To the extent petitioner is using his claim of breach of the plea agreement to challenge the legality of his conviction and sentence, the claim is a 28 U.S.C. § 2255 challenge. *See Braddy v. Fox*, 537 F. App'x 469, 469-70 (5th Cir. 2013); *Jeffers v. Chandler*, 253 F.3d 827, 830 (5th Cir. 2001). This court is without jurisdiction to entertain petitioner's § 2255 challenge, however, because petitioner was convicted in the United States District Court for the Eastern District of Pennsylvania. Additionally, to the extent petitioner's breach of plea agreement claim challenges the manner of the execution of his sentence, the claim is moot as a result of his release from

custody. Further, the petition does not meet the criteria required to support a claim under the savings clause of 28 U.S.C. § 2255. *See Padilla v. United States*, 416 F.3d 424 (5th Cir. 2005); *Reyes-Requena v. United States*, 243 F.3d. 893 (5th Cir. 2001). Finally, petitioner's claims for monetary damages related to the conditions of his confinement do not contest the fact or duration of his confinement and cannot serve as a basis for habeas corpus relief, as the magistrate judge determined.

### **ORDER**

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 20th day of November, 2015.

A handwritten signature in cursive script that reads "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE